

#### § 440.14

#### 10 CFR Ch. II (1–1–00 Edition)

(1) A State, within which a local applicant is situated, fails to submit an application within 60 days after notice in accordance with § 440.12(a) or

(2) The Support Office Director finally disapproves the application of a State, and, under § 440.30, either no appeal is filed or the Support Office Director's decision is affirmed.

(b) To be eligible for financial assistance, a local applicant shall submit an application pursuant to § 440.12(b) to the Support Office Director within 30 days after receiving the notice referred to in paragraph (a) of this section.

(c) In the event one or more local applicants submits an application for financial assistance to carry out projects in the same geographical area, the Support Office Director shall hold a public hearing with the same procedures that apply under section § 440.14(a).

(d) Based on the information provided by a local applicant and developed in any hearing held under paragraph (c) of this section, the Support Office Director shall determine in writing whether to award a grant to carry out one or more weatherization projects.

(e) If there is an adverse decision in whole or in part under paragraph (d) of this section, that decision is subject to administrative review under § 440.30 of this part.

(f) If, after a State application has been finally disapproved by DOE and the Support Office Director approves local applications under this section, the Support Office Director may reject a new State application in whole or in part as disruptive and untimely without prejudice to submission of an application for the next program year.

(Approved by the Office of Management and Budget under control number 1904-0047)

[49 FR 3629, Jan. 27, 1984, as amended at 58 FR 12525, 12529, Mar. 4, 1993]

#### § 440.14 State plans.

(a) Before submitting an application, a State shall give not less than 10 days notice of hearing, reasonably calculated to inform prospective subgrantees, and shall conduct one or more public hearing for the purpose of receiving comments on a proposed State plan. The proposed State plan shall identify and describe proposed

weatherization projects, including a statement of proposed subgrantees and the amount each will receive; shall address the other items contained in paragraph (b) of this section; and shall be made available throughout the State prior to the hearing. The notice for the hearing shall specify that copies of the plan are available and how they may be obtained. A transcript of the hearings shall be prepared and written submission of views and data shall be accepted for the record.

(b) Subsequent to the hearing, the State shall prepare a final State plan which shall identify and describe:

(1) The production schedule for the State, which shall indicate projected expenditures and the number of dwelling units which are expected to be weatherized each quarter during the program year;

(2) An estimate of the number of dwelling units expected to be weatherized during the program year by category to include:

(i) Single-family and multi-family residences;

(ii) Elderly persons' residences;

(iii) Handicapped persons' residences;

(iv) Renters' residences;

(v) If Native Americans do not receive direct grants under § 440.11, Native American residences; and

(vi) Children's residences, if the State selects this category as a priority with paragraphs (b)(2)(ii) and (b)(2)(iii) of this section.

(3) The climatic conditions within the State;

(4) The type of weatherization work to be done;

(5) An estimate of the amount of energy to be conserved;

(6) An estimate of the number of eligible dwelling units in which the elderly reside;

(7) An estimate of the number of eligible dwelling units in which the handicapped reside;

(8) Each area to be served by a weatherization project within the State, and shall include for each area:

(i) The tentative allocation;

(ii) The number of dwelling units expected to be weatherized during the program year, and the number of previously weatherized units expected to be weatherized;

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- (iii) The estimated number of rental dwelling units to be weatherized; and
- (iv) Sources of labor.

(9) The manner in which the State plan is to be implemented, and shall include:

- (i) An analysis of the existence and effectiveness of any weatherization project being carried out by a subgrantee;
- (ii) An explanation of the method used to select each area to be served by a weatherization project;
- (iii) The extent to which priority will be given to the weatherization of single-family or other high energy consuming dwelling units;
- (iv) The amount of non-Federal resources to be applied to the program;
- (v) The amount of Federal resources, other than DOE weatherization grant funds, to be applied to the program;
- (vi) The amount of weatherization grant funds allocated to the State under this part;
- (vii) The expected average cost per dwelling to be weatherized, taking into account the total number of dwellings to be weatherized and the total amount of funds, Federal and non-Federal, expected to be applied to the program;
- (viii) The average amount of the DOE funds specified in § 440.18(c) (1) through (11) to be applied to any dwelling unit;
- (ix) The average amount of DOE funds to be applied to any dwelling unit for weatherization materials as specified in § 440.18(c)(1);
- (x) The procedures used by the State for providing additional administrative funds to qualified subgrantees as specified in § 440.18(d).
- (xi) Procedures for determining the most cost-effective measures in a dwelling unit or a statement that Project Retro-Tech or another DOE-approved audit will be used;
- (xii) The definition of "low income" which the State has chosen for use statewide for determining eligibility under § 440.22(a).
- (xiii) The definition of "children" which the State has chosen consistent with § 440.3.
- (xiv) The amount of Federal funds to be used, and an explanation of how they will be used, to increase the amount of weatherization assistance that the State obtains from non-Fed-

eral sources, including private sources, and the expected leveraging effect to be accomplished.

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[49 FR 3629, Jan. 27, 1984, as amended at 50 FR 712, Jan. 4, 1985; 58 FR 12526, Mar. 4, 1993; 60 FR 29481, June 5, 1995]

### § 440.15 Subgrantees.

(a) The grantee shall ensure that:

- (1) Each subgrantee is a CAA or other public or nonprofit entity;
- (2) Each subgrantee is selected on the basis of public comment received during a public hearing conducted pursuant to § 440.14(a) and other appropriate findings regarding:
  - (i) The subgrantee's experience and performance in weatherization or housing renovation activities;
  - (ii) The subgrantee's experience in assisting low-income persons in the area to be served; and
  - (iii) The subgrantee's capacity to undertake a timely and effective weatherization program.
- (3) In selecting a subgrantee, preference is given to any CAA or other public or nonprofit entity which has, or is currently administering, an effective program under this part or under title II of the Economic Opportunity Act of 1964, with program effectiveness evaluated by consideration of factors including, but not necessarily limited to, the following:
  - (i) The extent to which the past or current program achieved or is achieving weatherization goals in a timely fashion;
  - (ii) The quality of work performed by the subgrantee;
  - (iii) The number, qualifications, and experience of the staff members of the subgrantee; and
  - (iv) The ability of the subgrantee to secure volunteers, training participants, and public service employment workers pursuant to JTPA.
- (b) The grantee shall ensure that the funds received under this part will be allocated to the entities selected in accordance with paragraph (a) of this section, such that funds will be allocated to areas on the basis of the relative need for a weatherization project by low-income persons.